

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CHARLES E. MCCOY,

Case No. C-3:09-cv-211

Plaintiff,

**Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

-v-

CITY OF TROY, et al.,

Defendants.

**ENTRY AND ORDER GRANTING MCCOY'S MOTION FOR
RECONSIDERATION; CONFIRMING THE ADOPTION OF THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS
REGARDING LEAVE TO APPEAL IN FORMA PAUPERIS; DENYING
LEAVE TO PROCEED IN FORMA PAUPERIS AND TERMINATING
THIS CASE**

This matter comes before the Court pursuant to pro se Plaintiff Charles McCoy's ("McCoy's") Motion for Reconsideration (doc #70) and Objection (doc. #71) to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #68) denying McCoy's Motion for Leave To Appeal In Forma Pauperis. Since all of the Defendants have been dismissed, Responses to McCoy's Motions are not expected. His motions are, therefore, ripe for decision.

McCoy's Motion for Reconsideration asks the Court to reconsider its previous Decision and Entry that was entered after the time had run but before McCoy submitted his Objections. In the interest of justice, the Motion for Reconsideration will be granted and McCoy's Objections will be considered.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case, including McCoy's Objections to the Report and Recommendation regarding an appeal in forma pauperis. Upon said

review, the Court finds that the Magistrate Judge's Report and Recommendations regarding an in forma pauperis appeal is adopted in its entirety. McCoy's Objections are without merit and are overruled. An appeal of this Court's prior decisions regarding the Defendants' dispositive motions would not be taken in good faith and thus McCoy is not granted leave to appeal in forma pauperis.¹ Finally, this case should remain terminated on the docket records of the United States District Court for the Southern District of Ohio, Western Division at Dayton.

DONE and ORDERED in Dayton, Ohio, this Twenty-First Day of October, 2010.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Charles E. McCoy at his last address of record

¹In lieu of proceeding in forma pauperis, McCoy asks that the court consider deducting \$20 or \$30 from his \$664 monthly check. This is a matter that is determined by the Sixth Circuit.